ORV Noise Workshop

Lacey Community Center, 7 pm, 10/10/06 (about 40 persons)

- 1. **Welcome**, introductions, about the Interagency Committee for Outdoor Recreation (IAC), our task, work finished to date (Greg Lovelady)
 - a. Introductions of the team present: ESA Adolfson (Mark Johnson, Jackie Dingfelder), Geomatrix (Richard Steffel, Kevin Warner), IAC (Greg Lovelady, Jim Fox, Jim Eychaner, Scott Chapman).
 - b. "IAC" is the state agency charged by the legislature with completing this ORV noise solutions project. Most know IAC as the state's principal provider of grants for recreation and habitat conservation, though we are often asked to carry out other assignments.
 - c. Legislature directed IAC to provide recommendations for addressing "excessive noise from ORVs." Specifically asked to: review laws, provide recommendations on equipment for enforcement, model ordinances, education, and a grant program.
 - d. We are here to get your ideas-feedback. We need more than a "show of hands" telling us who is in favor and who is against different ideas we need to know why you hold your opinions. This is your chance to explain why your solution is the best answer. If we work together on this, the legislature is ultimately going to make the right decision.
 - e. How we arrived to this point: Legislative ORV Noise Task Force meetings (2005); Legislative hearings leading to ESSB 6384 directive to IAC, formation of seven person advisory committee and selection of Adolfson-Geomatrix to help draft the report to the legislature, website, press releases, email announcement, two workshops (2006).
- 2. **Workshop Overview** (Jackie Dingfelder, ESA Adolfson). Jackie reviewed the workshop agenda and the ground rules for participation (respect, etc.) listed on the back of each agenda. She then introduced the next speaker for presentation of options.
- 3. Options (Richard Steffel, Geomatrix, Senior Scientist, Acoustics specialist)...
 - a. Described types of work done by Geomatrix. The firm is impartial, has worked on both sides of the "noise fence." We are all here to work on developing recommendations, options.
 - b. See the three display boards: the ORV noise law, how loud are ORVs, how the WAC noise rule works.
 - c. Two approaches: One addresses noise emitted from ORVs, the other addresses noise received at a private property line. Laws exist for both: 105 dBA at 20 inches from exhaust (highest in nation). Lowering this would be a major contributor to addressing the issue (see handout or display board). Ninety-six dBA as a new limit has been discussed.
 - Noise from the source (the vehicle; see handouts) Every 10 dBA change in sound means a 100 percent change in loudness. For example, 95 dBA is half as loud as 105 dBA. Most states with noise laws have a 96 dBA limit. Washington's limit of 105 dBA is very loud.
 - How should such noise be enforced? For example, at point of original sale or resale or a periodic certification program.
 - What about after-market products that defeat current laws.

- Sound received at property lines. Since early 1970s a law has been on the books. The law has features, such as sounds are allowed to exceed the limit for specified periods of time and daytime limits are higher than nighttime limits.
- d. Many jurisdictions (local) generally use one of these approaches.
- e. Discussed various approaches to controlling noise:
 - "Time weighted" limits (see handouts) as examples: disallow exceeding certain limits based on the time of day and/or disallow based on the day (for example, weekends and holidays). Might this approach work?
 - Possibility of stepped up education programs and/or more enforcement.
 Mentioned an issue related to enforcement: may be difficult to find a qualified officer to respond.
 - Create minimum distance buffers (for example, not permitted to ride within "x" feet of a property line).
 - Perhaps outlaw ORV activities in certain land use zones (for example, residential).
 - Perhaps create more places to ride to reduce the need to ride where noise disturbs others.

4. Audience questions, comments

- a. Audience member #1: what about persons that complain about "nuisance ORV noise?" How can we (ORV users) not be targeted like this?
- b. Audience member #2: what about "LEQ" (used by Environmental Protection Agency), which uses sound spikes, which are almost impossible to comply with. Resolving this could eliminate the need for this type of meeting. Steffel response: yes, there are several types of sound limits. LEQ is a simplified way of timeweighting, and could be a usable approach; there are simpler ways of accomplishing same thing.
- c. Audience member #3: what about residential yard equipment, and why are not they on today's agenda. Steffel response: these items usually are not "on" for long periods; are often exempted by local jurisdictions.
- d. Audience member #4: what about how loud home yard equipment is over distances?
- e. Audience member #5: what about jet aircraft (appears on the display board/handout)? Steffel response: those are there for illustration only.
- f. Audience member #6 (Andrea Fontenot): resents personal attack evidenced in the handout distributed tonight by John Eaton. Why try to intimidate people who seek peace and quiet, distract attendees from the purpose of tonight's meeting?
- g. Jackie: As facilitator, she asked everyone to please review the ground rules distributed earlier with the agenda. She emphasized that that we need to stay ontask and refrain from personal attacks.
- 5. **Small Group Breakout Session** (Jackie). Jackie explained that this portion of the agenda is designed to solicit direct input from the audience on recommended options for dealing with ORV noise and that each group would be assigned to respond to six questions (same questions for each group). After an hour, a representative from each group would report back on the results of their group's discussion-responses to the six questions. She asked audience participants to "count off" until six breakout groups were identified. The audience was divided into six groups, each group agreed on a

note-taker and someone to report back at the end of the evening. For approximately an hour, the six groups worked through the questionnaire in individual groups.

- 6. **Group reports summary** (from flip charts):
 - a. Group #1: (began with page 1 of questionnaire.)
 - Question (controlling ORV sound at the source): Should the current ORV sound limit be reduced? Existing noise limit (105 dBA @ 20 inches from the tailpipe) is higher than all other states; should it be lowered to a level similar to other states (96 dBA)?
 - Group participant feedback.
 - Not to 96dBA but maybe 98 dBA
 - ~ To preserve right to ride, would be okay
 - Want to have a positive impact on community
 - Okay as is (at 105)
 - ~ Don't see a problem
 - ~ If you lower once, will it be lowered again and again?
 - ~ If you lower it-there will be more areas to ride
 - Thought 99 dBA was too loud on his own bike
 - ~ When you have it over 100-your ears ring
 - ~ "Leaving at 105 dBA seems like we don't care, but we do"
 - ~ Needs to be changed-easy to do and has measurable effect
 - Question (controlling ORV sound at the source): Whether or not the sound level is reduced, how should Washington's ORV noise limit be enforced?
 - Should we:
 - Encourage self regulation via a stepped-up education program
 - ~ Point of original sale of vehicle
 - ~ Point of (prior to) resale
 - ~ Require an annual certification, for example at retail or repair outlets, trailheads, tracks, etc.
 - Group participant feedback.
 - Too easy to change so enforcement at tag renewal would be ineffective
 - ~ Neighborhood noise team w/training
 - ~ Neighborhood people could create bias
 - ~ Who will pay for enforcement?
 - Start W/education-run a 1-2 year campaign
 - Require education about noise is rider-safety certification
 - ~ Can't get the cops out there resource issue
 - Question (controlling ORV sound at the source): Should the state address (for example, restrict or prohibit) the sale of after-market products that cause or allow ORVs to exceed noise limits?
 - Please explain.
 - ~ If "no", why not?
 - ~ If "yes", why is this a good idea?
 - Group participant feedback.
 - ~ If you prohibit after market do it for everything

- After Market pipes US forest Service, competition <96dba
- ~ Goal in her store is 98dba or lower
- In-state equipment bans can't stop Internet-catalogue purchases; should be OK to have an after-market product if the standard is met.
- ~ EPA doesn't enforce their own rules
- Dealership limits its own products no aftermarket allowed
- ~ Stock machines -957. buy ATV's w/ <96dba
- Okay if meets the standards
- ~ Motocross competition pipes exceed the limits
- b. Group #2: (began with page 1 of questionnaire, Kevin Warner)
 - Question (controlling ORV sound at the source): Should the current ORV sound limit be reduced? Existing noise limit (105 dBA @ 20 inches from the tailpipe) is higher than all other states; should it be lowered to a level similar to other states (96 dBA)?
 - Participant feedback.
 - ~ Makes Sense-suggested for all states.
 - ~ Follow NMA or AMA 98 dBA?
 - Loud bikes do not equal more power
 - Education for riders
 - ~ Loud bikes are a rush
 - Question (controlling ORV sound at the source): Whether or not the sound level is reduced, how should Washington's ORV noise limit be enforced?
 - Should we:
 - Encourage self regulation via a stepped-up education program
 - ~ Point of original sale of vehicle
 - ~ Point of (prior to) resale
 - ~ Require an annual certification, for example at retail or repair outlets, trailheads, tracks, etc.
 - Participant feedback.
 - ~ Random Testing
 - ~ Education
 - ~ Not currently enforced-no equip, training
 - ~ Point of sale not a problem
 - Aftermarket pipes are problem
 - Irritating, but temporary
 - Audible at far distance from source
 - Education @ point of origin-Take a class
 - Question (controlling ORV sound at the source): Should the state address (for example, restrict or prohibit) the sale of after-market products that cause or allow ORVs to exceed noise limits?
 - Please explain:
 - ~ If "no", why not?
 - ~ If "yes", why is this a good idea?
 - Participant responses.

- No targeting ORVS unfairly
- ~ No because most aftermarket exhaust are quieter than stock
- Internet allows for any purchase
- No change 7am –10pm OK
- ~ Rare to ride late at night
- ORV Parks have own hours
- ~ No-It would be discriminating
- ~ Burden on law enforcement.
- ~ Random testing great
- ~ Complaint based is better; no complaints means no one is affected
- Random means no complaints would happen
- ~ Density an issue-laws should address density
- ~ Enforcement needs to me more effective
- ~ Code enforcement and dBA enforcement
- ~ Would eliminate problems, good for sport.
- ~ No-Would cause big problems
- ~ Yes should be more personnel
- ~ Yes
- ~ Good idea
- Over crowding at existing parks
- ~ Min. district would not work
- Doesn't solve problems in communities-lower property values i.e.
 Spokane Valley
- Should be on table-hard to change easy to enforce, courtesy is key
- ~ No one solution-needs to be a mix of solutions.
- Further notes on responses (GL).
 - ~ Follow NMA-AMA rules
 - ~ Loud bikes, regardless should be OK, "it's a rush"
 - ~ Random testing
 - ~ Education
 - ~ Point of sale bikes already meet the standard
 - ~ After-market pipes are a problem
 - Educate at point-of-sale; maybe require a class
 - Targeting after-market products won't work (see catalogues-Internet purchases)
 - ~ Why target ORVs? It's rare that people ride late at night.
 - ~ Would be a burden on law enforcement.
 - Random testing is a great idea
 - Complaint based response is best.
 - Population density is an issue; complaints go up.
 - Tracks in someone's backyard should be addressed.
 - ~ Item "c": yes, there should be specific noise officers
 - Item 3: yes, more riding areas are needed, but will be difficult

- Minimum distance won't work; would lower property values (Spokane, can't ride ORV in residential areas).
- c. Group #3: (began with page 1 of questionnaire, Scott Chapman)
 - Question (source noise emission control issues/options): Should current limit be reduced?
 - Participant feedback.
 - Yes, All were very supportive of the 96 dBA limit as long as it is based on the SAE J12 87 test
 - Need to have some exceptions for special events.
 - Question (source noise emission control issues/options): How should noise limit be enforced?
 - Participant feedback.
 - This is a "valid option" (two persons said this)
 - Not Supported –not a valid option too expensive, would require extension infrastructure to be created by state to address the issue.
 - ~ Not Supported; discriminates against ORV users. Why target only ORVs?
 - Enforcement is a critical component. Suggest having officers issue warnings to owners whose equipment fails sound limit. If owner does not fix machine within a set period of time, issue owner a ticket.
 - Question (source noise emission control issues/options): Should state address the sale of after-market products?
 - Participant feedback.
 - No. Current federal law that prohibits owners from modifying equipment with closed course pipes if the machine is not to be used on closed courses.
 - Question (options for controlling ORV sound that reaches neighboring properties): Should we consider time of day/time of week restrictions?
 - Participant feedback.
 - No. Focus on point source not sound at property line. This should be a local issue and law and a statewide law. Any restrictions should apply to all noise sources not just ORVs. Was acknowledged that enforcement of numerous local ordinances could be difficult and confusing to users.
 - Day Restrictions are OK as long as they apply to all noise sources, not only ORVs.
 - Question (options for controlling ORV sound that reaches neighboring properties): What about enforcement options?
 - Yes. We need a reasonable noise limit like 96 dBA and it needs to be enforced. Need active enforcement at high use areas. Need users to educate other users.
 - No. Not enough funds to have specific noise enforcement personnel.

- No. Not enough funds to have specific noise education personnel. Would support a state funded education campaign if it could target ORV users, dealers, clubs, etc. (Similar to Click-it or Ticket)
- Question (options for controlling ORV sound that reaches neighboring properties): What about noise impact prevention options?
 - No. Think that all ORVs should just meet 96 dBA limit. If there is a complaint, then the state or local general noise nuisance laws should apply.
 - No. Hard to define land types. Many were unclear to what this option would mean.
 - Yes. There is a great need for additional opportunity.
- d. Group #4: (began with page 2 of questionnaire, Pene Speaks)
 - Question (controlling ORV sound that reaches neighboring properties): Should we consider time-of-day/day-of-week restrictions?
 - · Choices.
 - Hour restrictions. For example, make existing limits 10-dBA lower during nighttime hours (10 p.m. to 7 a.m.), which may not be protective of sensitive uses in the early morning and evening. Should more restrictive hours be applied?
 - Day restrictions. Some noisy activities (e.g., construction) are prohibited in some jurisdictions on some days of the week (e.g., Sundays and holidays). Should similar restrictions be considered for ORV sounds?
 - Participant feedback.
 - ~ Sure-go for hours
 - May be different if noise is reduced at tailpipe
 - ~ No
 - ~ Either limit hours or limit distance. Not both
 - Should be for all noise (not just ORV).
 - No day restrictions
 - ~ If overall sound is reduced day restrictions not needed
 - ~ Can't consider in vacuum.
 - Question (controlling ORV sound that reaches neighboring properties): (Enforcement Options). Current rules, when enforced, are mostly applied only in response to complaints. Should there be a more active noise compliance education and/or enforcement program?
 - Options.
 - Instead of leaving enforcement to the police or sheriff, should there be specific noise enforcement personnel?
 - Instead of leaving education to the police or sheriff, should there be specific noise education personnel?
 - Participant feedback.
 - Education and enforcement program won't work
 - ~ Focus first on education
 - People should already know the rules
 - ~ No specific noise enforcement personnel

- ~ Could be of some value
- Yes, if enforcement was aimed at gross violators
- ~ Get word out
- Education won't work
- Maybe depends on other factors
- Question. (Noise Impact Prevention Options.) Should we have a minimum distance buffer requirement (for example, require an ORV track to be "x" feet from a property line).
 - Choices.
 - ~ Prohibit ORV use near certain land types
 - Create additional ORV riding opportunities in designated areas with compatible land uses
 - Participant feedback.
 - ~ No minimum buffer distance
 - ~ Maybe a benefit
 - ~ Lower noise limit instead
 - No land type restrictions
 - Depends what else is required
 - ~ more legal ORV riding places.
 - ~ OK 96 SAE J12 87
 - ~ a&b supported
 - ~ c &d not supported
 - e-Law enforcement warning/ticket
 - ~ 3.a. No -existing Federal land.
 - Further notes on this presentation (GL)
 - Wide range of opinions with this group. Much depends on emissions at vehicle.
 - ~ Time of day-day of week issues:
 - Item 2: Enforcement options: (a) E&E noise program won't work; first focus on education; people should already know sound level rules. (b) "no" to specific noise personnel; yes, could be of some value; 'yes' if aimed at gross violators.
 - Item 3: Prevention options. Again, depends on emission at vehicle. (a) No to minimum buffer distance; could be a benefit; lower the noise limit instead. (b) no to land type restrictions; depends on what else is required.
- e. Group #5 (began with page 1 of questionnaire, Jim Fox)
 - Question (source control questions). Should the current ORV sound limit be reduced? Existing noise limit (105 dBA @ 20 inches from the tailpipe) is higher than all other states; should it be lowered to a level similar to other states (96 dBA)?
 - Participant feedback.
 - ~ No consensus on how ORV sound is measured
 - Wouldn't affect me-
 - ~ 88db-91db- tested stock

- ~ Don't reduce at 100' is like normal speed
- Don't reduce-105 not that loud and usually quieter
- Question: Whether or not the sound level is reduced, how should Washington's ORV noise limit be enforced?
 - · Choices.
 - Encourage self regulation via a stepped-up education program
 - ~ Point of original sale of vehicle
 - ~ Point of (prior to) resale
 - ~ Require an annual certification, for example at retail or repair outlets, trailheads, tracks, etc.
 - Participant feedback.
 - Manufacturers have to comply with all states
 - ~ Dealers selling aftermarket sound reducers.
 - Worry if reduced, next year will be reduced more.
- Question: Whether or not the sound level is reduced, how should Washington's ORV noise limit be enforced?
 - Choices.
 - Encourage self regulation via a stepped-up education program
 - ~ Point of original sale of vehicle
 - ~ Point of (prior to) resale
 - Require an annual certification, for example at retail or repair outlets, trailheads, tracks, etc.
 - Participant feedback.
 - Likes (a)- Only (a) feasible-easy to enforce noise complaints (because wasn't an issue or was temporary).
 - a-dealers get videos from mfgr-safety, courtesy to buyers-State send videos to owners.
 - Sheriffs have to staff/ money
 - ~ Never see them (cap forest).
 - ~ I do- Tahuya
 - ~ Noise is regulated at events
 - ~ 98 water-cool 102 over-cooled
 - ~ NMA event standards.
 - ~ D won't work.
 - No one will address problems.
 - Shouldn't restrict on closed course (no public) tracts
 - Could purchase via Mail, internet
 - Work w/aftermarket cos. To do more to reduce noise and improve performance at same time.
 - ~ Ridiculous.
- Question (controlling ORV sound that reaches neighboring properties).
 Should we consider time-of-day/day-of-week restrictions?
 - Options.

- Hour restrictions. For example, make existing limits 10-dBA lower during nighttime hours (10 p.m. to 7 a.m.), which may not be protective of sensitive uses in the early morning and evening. Should more restrictive hours be applied?
- Day restrictions. Some noisy activities (e.g., construction) are prohibited in some jurisdictions on some days of the week (e.g., Sundays and holidays). Should similar restrictions be considered for ORV sounds?
- Participant feedback.
 - ~ No restrictions-would lead to more & More
 - Current laws ok, if restrictions on hours or days-should be for all noise.
 - Time restriction can work but should be decided by community for community not from on high covenants
 - ~ Then you can decide if you want to live there or not.
- Question (enforcement options). Current rules, when enforced, are mostly applied only in response to complaints. Should there be a more active noise compliance education and/or enforcement program?
 - Options.
 - Instead of leaving enforcement to the police or sheriff, should there be specific noise enforcement personnel?
 - Instead of leaving education to the police or sheriff, should there be specific noise education personnel?
 - Participant feedback.
 - ~ If so, pay from property tax not ORV money
 - If no complaint, no problem-don't need to look for problems.
 - ~ Define "residential area"
 - ~ All put property? Density?
 - ~ B&C-Scary having someone else enforcing laws
 - ~ Consider if only 1 neighbor complains.
 - ~ If officers don't see problem-probably not a problem.
 - Further notes from this presentation (GL)
 - Source noise: most all new machines meet the lower noise limits when sold.
 - Some concern was expressed that if the noise limits were lowered now, it could be easier to unreasonably further lower the sound limit in the future ("camel's nose under the tent" concept).
 - Dealers receive videos, which are passed along to ORV equipment purchasers, addressing such topics as courtesy, environmental sensitivity. Perhaps the state could produce such a video?
 - It would easy to abuse a certification program.
 - Regulate noise at events using NMA standards.
 - After market equipment: too difficult to enforce (Internet, catalogues).
 Note some after market equipment reduces noise without affecting performance.

- (Page 2 of questionnaire) Voluntary control of noise sometimes works (gave example of people around a lake coming together to agree on hours of machine operation).
- Most of current noise laws are OK. Days of week hours of day: can be effective if done at state level.
- Do we need "noise cops"?: No a complaint based system is better; don't fund from state NOVA funds; should be paid by all citizens (property tax, for example).
- f. Group #6 (began with page 2 of questionnaire, Jim Eychaner)
 - Question (controlling ORV sound that reaches neighboring properties): Should we consider time-of-day/day-of-week restrictions?
 - Choices.
 - Hour restrictions. For example, make existing limits 10-dBA lower during nighttime hours (10 p.m. to 7 a.m.), which may not be protective of sensitive uses in the early morning and evening. Should more restrictive hours be applied?
 - Day restrictions. Some noisy activities (e.g., construction) are prohibited in some jurisdictions on some days of the week (e.g., Sundays and holidays). Should similar restrictions be considered for ORV sounds?
 - Participant feedback.
 - ~ A. Time/Day: Daytime won't work-mostly weekend
 - ~ B. 10.7 should apply to weekends too
 - ~ C. Hour but not day
 - ~ D. More time rest. W/day, less on weekends
 - ~ E. No change
 - ~ F. Ok if residential, no restrictions at riding areas.
 - Question (controlling ORV sound that reaches neighboring properties): Should we consider enforcement options?
 - Choices.
 - Current rules, when enforced, are mostly applied only in response to complaints. Should there be a more active noise compliance education and/or enforcement program?
 - Instead of leaving enforcement to the police or sheriff, should there be specific noise enforcement personnel?
 - Instead of leaving education to the police or sheriff, should there be specific noise education personnel?
 - Participant feedback.
 - Existing law enforcement officers should have the tools they need "dB meter"-No noise police
 - No to all-What's happening now is ok.
 - Yes to more active current RCW 105dBA but would need more ed. and enforcement if lower dBA.
 - Jessie-could be specific enforcement officers or add to ORV offices ranks in general-more education

- DNR has the equip. and several officers—Officer may live too far awaymore enforcement and education Needed generally.
- Should be more education. And a place to go to get tested, get info, etc. Noise does need to be lower. Enforcement on their own, meters should be readily available to the riders but starts w/ manufacturers plus enforcement.
- Comes from educating people, manufacturers and aftermarket should say "Quiet down". So the new marketing message should be "Quiet is Cool."
- Enforcement Personnel- not in residential areas; already pay for offices in DNR/Forest Service.
- Question (controlling ORV sound that reaches neighboring properties): What about noise impact prevention options?
 - Should we:
 - Have a minimum distance buffer requirement (for example, require an ORV track to be "x" feet from a property line)?
 - Prohibit ORV use near certain land types?
 - Create additional ORV riding opportunities in designated areas with compatible land uses?
 - Participant feedback.
 - ~ Distance is not valid, too subjective-not right to stop use on private land.
 - Need for new areas is drastic
 - ~ Min. dist. Buffer-it's not the distance it's the complaints.
 - Use on public land is already in place
 - YES to new areas.
 - Distance buffer is a component. But the source of the noise is more important.
 - Some land types don't work but there is a strong need for new opportunities.
 - Min. distance not a factor-agrees with source is the issue-agrees definitely need new areas.
 - ~ Some of the new ORV money could be used for noise E&E
 - ~ Distance does not work-Its the source
 - ~ Some areas already covered by the law.
 - ~ Yes to new areas to ride.
 - Distance does not work-its the source. Pierce Co. has min. distances, can't ride on less than 5 acres.
 - Don't pass a law that limits the "CC's" –Needs to come from mfg. & aftermarket.
 - ~ Let the marketing message be "Loud does not equal power".
 - ~ Yes to new riding areas.
- Question (source control options): Should the current ORV sound limit be reduced? Existing noise limit (105 dBA @ 20 inches from the tailpipe) is higher than all other states; should it be lowered to a level similar to other states (96 dBA)?
 - Participant feedback.

- ~ No =2
- \sim Yes =3
- ~ Yes, "but" 1 (not 96)
- Question (source control options): Whether or not the sound level is reduced, how should Washington's ORV noise limit be enforced?
 - Choices.
 - Encourage self regulation via a stepped-up education program
 - ~ Point of original sale of vehicle
 - ~ Point of (prior to) resale
 - ~ Require an annual certification, for example at retail or repair outlets, trailheads, tracks, etc.
 - Participant feedback.
 - ~ How enforced?
 - Outlaw the loud pipes-monitoring, no need for annual cert.- test ourselves especially at events.

7. Wrap-up (Greg Lovelady).

- a. Results of tonight's meeting will be posted on IAC's website (www.iac.wa.gov).
- b. Next week a link to the questionnaire used tonight will be available for people unable to attend (or for attendees who would like to add to the discussion).
- c. Tonight's sign-in pages will be used to help assemble a listing of people who wish to be placed on IAC's "ORV Noise Solutions" mailing list. (Interested parties may also get on the list by contacting IAC—Amie Fowler, 360/902-3086, AmieF@iac.wa.gov.)
- d. A draft of final report to the legislature will be made available for comment, probably in November or December 2006.